

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

THE ESTATE OF KATHERINE J. GONZALES, SCOTT BOX,  
individually and as Personal Representative,  
and RUSSELL BOX, children of Katherine J. Gonzales,

Plaintiffs,

v.

No. 1:11-cv-00486-KG-GBW

AAA LIFE INSURANCE COMPANY,  
a subsidiary of AAA AUTO CLUB,  
GENERAL ELECTRIC COMPANY,  
GENERAL ELECTRIC PENSION TRUST,  
METROPOLITAN LIFE INSURANCE (Plan Administrator; ERISA),  
NEW MEXICO DEPARTMENT OF HEALTH,  
UNIVERSITY OF NEW MEXICO,  
OFFICE OF MEDICAL INVESTIGATOR,  
and MICHAEL A. PETERS, ATTORNEY, individually,  
and PETERS & ASSOCIATES, PA,

Defendants.

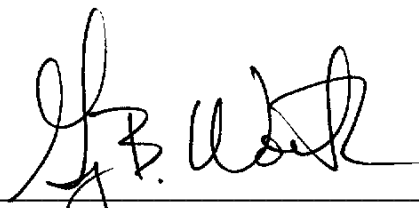
**ORDER DENYING MOTION FOR SUBSTITUTION OF COUNSEL**

THIS MATTER is before the Court on Daymon B. Ely's motion to replace Anthony Spratley as counsel for Plaintiffs. *Doc. 168*. To protect litigants and the judicial process, the Local Rules of this District impose numerous requirements on those attorneys wishing to withdraw an appearance. If the withdrawal is unopposed by the client and other counsel, then the motion must comply with Local Rule 83.8(a). D.N.M.LR-Civ. 83.8(a). Rule 83.8(a) requires that the motion "indicate consent of the client." *Id.* Moreover, the motion must include the "notice of appointment of substitute

attorney; or a statement of the client's intention to appear *pro se* and the client's address and telephone number." *Id.*

If the withdrawal is opposed by the client or other counsel, then the motion must comply with Local Rule 83.8(b). D.N.M.LR-Civ. 83.8(b). Rule 83.8 requires that such motions must, as a threshold matter, be "file[d] and serve[d] on all parties, including the client." *Id.* In addition, the moving attorney must "give notice in the motion that objections must be served and filed within fourteen (14) days from date of service of the motion and that failure to object within this time constitutes consent to grant the motion." *Id.*

While the Court imagines that the client consents and doubts that opposing counsel object, the motion avers neither of these facts. As the motion does not comply with the Local Rules, the Court will deny the motion without prejudice to its refiling.



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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE